

### **REMARKS/ARGUMENTS**

Claims 1-31 are pending. Claim 8, 10, 12, 14-17, 22, 25, 27 and 29-31 have been amended. The Applicant gratefully appreciates the Examiner's detailed office action, and in particular the detailed descriptions of the bases for the claim rejections. Reconsideration is respectfully requested.

#### **1. Objection to Specification**

The specification was objected to because "perspective view" on page 3, line 20 should be "side view". The specification has been so amended.

#### **2. Claim Objections**

a) Claims 8 and 22 were objected to for using the word "screwed". These claims have been amended to use the word "threaded" as suggested by the Examiner.

b) Claims 15 and 30 were objected to for using the term "the ground". These claims have been amended to use the term "a supporting surface of the dolly" as suggested by the Examiner.

c) Claim 17 was objected to for ending with a semicolon instead of a period. This claim has been amended to correct this error.

#### **3. Claim Rejections under §112**

Claims 8, 10-12, 16, 25-27 and 31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite:

a) Claim 8 lacked antecedent basis for "the threaded mounting holes". Claim 8 has been amended into independent form, but to include the limitations of claim 3 instead of intervening claim 6 to provide proper antecedent basis.

b) Claims 10 and 25 lacked antecedent basis for "the lower support". These claims have been amended to recite "the lower support member".

c) Claims 12 and 27 recited a “second platform” without any previously recited “first platform”, and recitation to “platform” was allegedly unclear. It is submitted that separate references to “platform” and “second platform” are consistent and clear. However, to ensure clarity, claims 12 and 27 have been amended to additionally recite “wherein the platform is a first platform”, and “the platform” has been amended to “the first platform”.

d) Claims 16 and 31 lacked antecedent basis for “the one wheel”. These claims have been amended to recite “the at least one wheel”.

#### **4. Rejection of Claims 1-2, 4 and 7 Under §102**

Claims 1-2, 4, and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,823,549 (Morgan). The Applicants respectfully traverse this rejection.

Claim 1 recites, among other things, a hole formed in the platform upper surface, and a mounting bar extending across the hole. In contrast, Morgan teaches a pair of holes 20 separated by a portion of the platform (and its upper surface). The Applicant respectfully traverses the Examiner’s conclusion that the portion of the platform between holes 20 constitutes a mounting bar extending across a single hole. Holes 20 are distinctly shown and described as separate cut-away portions of the platform. Claim 1 also recites a plurality of recesses formed in the upper surface. In contrast, Morgan teaches holes 24 formed through the platform. Therefore, because Morgan fails to teach all the limitations of claim 1, it is respectfully submitted that claim 1 (and therefore claims 2, 4, 7 dependent thereon) are not anticipated by Morgan.

#### **5. Rejection of Claims 1, 3-4, 9 and 13 Under §102**

Claims 1, 3-4, 9 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,312,121 (Chapman). The Applicants respectfully traverse this rejection.

Claim 1 recites, among other things, a platform having a generally planar upper surface, a plurality of wheel assemblies attached to a lower surface of the platform, a hole formed in the upper surface, a mounting bar extending across the hole, and a plurality of recesses formed in the

upper surface. In contrast, Chapman teaches a crane arm dolly with a chassis 12 having separate sections 23 and 25 connected together by a cross bar 20 and defining an open space 14 therebetween. The Applicant respectfully traverses the Examiner's conclusion that open space 14 between two separate structures 23/25 could be considered a hole formed in an upper surface of a (single) platform. Moreover, Chapman teaches bolt holes to accommodate bolts attaching the cross bar, not a plurality of recesses formed in the upper surface. Therefore, because Chapman fails to teach all the limitations of claim 1, it is respectfully submitted that claim 1 (and therefore claims 3-4, 9 and 13 dependent thereon) are not anticipated by Chapman. Additionally, the Applicant can find no support for the Examiner's conclusion that the holes for king pins 18 are threaded, as recited in dependent claim 3. Therefore, it is respectfully submitted claims 1, 3-4, 9 and 13 are not anticipated by Chapman.

#### **6. Rejection of Claim 17 Under §102**

Claim 17 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 2,707,351 (Walker) or U.S. 6,209,891 (Herrmann).

Claim 17, as amended, recites that the platform with wheels and a generally planar upper surface, a lower surface and eight planar side surfaces, where the upper and lower surfaces are octagonal in shape such that the plurality of side surfaces all have a same length. In contrast, both Walker and Herrmann teach a stand or a cart with eight sides, but not of equal length. Neither of these references teach or suggest a platform with an upper surface and eight side surfaces of equal length. Therefore, it is respectfully submitted claim 17 as amended is not anticipated by Walker and Herrmann.

#### **7. Rejection of Claim 17 Under §102**

Claim 17 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,695,326 (Morrow) or U.S. 6,698,771 (Bergeron).

Claim 17, as amended, recites that the platform with wheels and a generally planar upper surface, a lower surface and eight planar side surfaces, where the upper and lower surfaces are octagonal in shape such that the plurality of side surfaces all have a same length. In contrast, both Morrow and Bergeron teach a dolly or a vehicle with eight sides, but not of equal length. Neither of these reference teach or suggest a platform with an upper surface and eight side surfaces of equal length. Therefore, it is respectfully submitted claim 17 as amended is not anticipated by Morrow or Bergeron.

#### **8. Rejection of Claims 24, 27, 28 Under §102**

Claims 24, 27 and 28 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,698,771 (Bergeron).

Claims 24, 27 and 28 depend from claim 17, which is considered allowable for the reasons set forth above in Part 7. Moreover, Bergeron fails to teach all the limitations of these dependent claims. For example, claim 27 recites that the push handle assembly includes a second platform attached to the frame and is adjacent to and flush with the first platform. In contrast, Bergeron fails to teach any such second platform. The Applicant respectfully traverses the Examiner's conclusion that barrel shaped member 19 of Bergeron can be considered teaching a second platform, let alone a platform that is adjacent to and flush with base member 11 (identified as the first platform). A barrel is not a platform, let alone one flush with base member 11 as recited in claim 27. Claim 28 recites a plurality of wheel assemblies attached to and supporting the frame (of the push handle assembly). No such wheels are provided for handle 30 and bracket 32 identified by the Examiner as the push handle assembly. The Applicant respectfully traverses the Examiner's conclusion that the wheels supporting base member 11 are "attached to and supporting" the frame. Additionally, these wheels are claimed separately from the wheels supporting the first platform ("attached to the lower surface of the platform. The Applicant respectfully submits it is improper for the Examiner to conclude that wheels attached to the lower surface of the platform also satisfy or teach a different plurality of wheels "attached

to” the frame. Therefore, it is respectfully submitted claims 24, 27 and 28 are not anticipated by Bergeron.

### **9. Rejection of Claims 1, 4, 6 Under §103**

Claims 1, 4 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. RE37,350 (Stephan) in view of U.S. 6,886,703 (Bonner). The Applicant respectfully traverses this rejection.

The Applicant respectfully submits that the combination of Stephan and Bonner fail to teach the combination recited in claim 1. Namely, claim 1 recites, among other things, a platform having a generally planar upper surface, a plurality of wheel assemblies attached to a lower surface of the platform, a hole formed in the upper surface, “a mounting bar extending across the hole”, and “a plurality of recesses formed in the upper surface”. In contrast, Stephan teaches a “base 7 with platform portion 8”, with upwardly extending side edge 2, and 4 cut-outs in the platform portion 8 (Col. 3, lines 14-20; Fig. 1). The Applicant respectfully traverses the Examiner’s conclusion that the portions 17/18 of the platform between the cut-outs constitutes a mounting bar extending across a single hole. The four cutouts are clearly shown as separate cut-away portions of the platform portion 8. Claim 1 also recites a plurality of recesses formed in the platform planar upper surface. No such recesses are taught by Stephen. The Examiner states that it would have been obvious to add the recesses of Bonner to Stephen. The Applicant respectfully disagrees. First, Bonner teaches furrows in the curved side surface of a bucket, not recesses in a platform planar surface. Second, there is no motivation to combine furrows of Bonner with the platform portion 8 of Stephan. Therefore, it is respectfully submitted claim 1, and claims 4 and 6 dependent thereon, are not rendered obvious over Stephan and Bonner.

### **10. Rejection of Claim 5 Under §103**

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,823,549 (Morgan) in view of U.S. 2,707,351 (Walker). The Applicant respectfully traverses this

rejection. As stated above in Part 4, Morgan fails to teach all the limitations of claim 1, from which claim 5 depends. Walker fails to cure the deficiencies of Morgan with respect to claim 1. Moreover, as stated in *In re Gordon*, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991):

"It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. *Interconnect Planning*, 774 F.2d at 1143, 227 USPQ at 551. The references themselves must provide some teaching whereby the applicant's combination would have been obvious."

Therefore, it is respectfully submitted claim 5 is not rendered obvious over Morgan and Walker.

#### **11. Rejection of Claim 10 Under §103**

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,312,121 (Chapman) in view of U.S. 6,101,678 (Malloy). The Applicant respectfully traverses this rejection. As stated above in Part 5, Chapman fails to teach all the limitations of claim 1, from which claim 10 depends. Malloy fails to cure the deficiencies of Chapman with respect to claim 1. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which *In re Gordon* made clear is impermissible. Therefore it is respectfully submitted claim 10 is not rendered obvious over Chapman and Malloy.

#### **12. Rejection of Claim 11 Under §103**

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,312,121 (Chapman) in view of U.S. 6,101,678 (Malloy) and U.S. 2,962,854 (Jepson). The Applicant respectfully traverses this rejection. As stated above in Part 5, Chapman fails to teach all the limitations of claim 1, from which claim 11 depends. Malloy and

Jepson fail to cure the deficiencies of Chapman with respect to claim 1. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore it is respectfully submitted claim 11 is not rendered obvious over Chapman, Malloy and Jepson.

### **13. Rejection of Claim 15 Under §103**

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,312,121 (Chapman) in view of U.S. 6,371,496 (Balolia). The Applicant respectfully traverses this rejection. As stated above in Part 5, Chapman fails to teach all the limitations of claim 1, from which claim 15 depends. Balolia fails to cure the deficiencies of Chapman with respect to claim 1. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore it is respectfully submitted claim 15 is not rendered obvious over Chapman and Balolia.

### **14. Rejection of Claim 16 Under §103**

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,312,121 (Chapman) in view of U.S. 5,136,751 (Coyne). The Applicant respectfully traverses this rejection. As stated above in Part 5, Chapman fails to teach all the limitations of claim 1, from which claim 16 depends. Coyne fails to cure the deficiencies of Chapman with respect to claim 1. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 16 is not rendered obvious over Chapman and Coyne.

### **15. Rejection of Claims 17 and 21-23 Under §103**

Claims 17 and 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,004,255 (Briggs) in view of U.S. 2,707,351 (Walker).

As stated in Part 6 above, claim 17, as amended, recites that the platform with wheels and a generally planar upper surface, a lower surface and eight planar side surfaces, where the upper and lower surfaces are octagonal in shape such that the plurality of side surfaces all have a same length. In contrast, Briggs teaches a square shaped painter's palette, and Walker teaches a stand with eight sides, but not of equal length. Neither of these references teach or suggest a platform with an upper surface and eight side surfaces of equal length. Therefore, it is respectfully submitted claim 17 as amended (and claims 21-23 dependent thereon) are not rendered obvious by Briggs and Walker. Moreover, Briggs and Walker fail to teach or suggest threaded mounting holes in the planar upper surface of the platform (as recited in claim 21), the high hat camera mount (as recited in claim 22), and a plurality of threaded side surface holes (as recited in claim 23). Instead, Briggs teaches a threaded post 5 extending through structure 7 build over platform 12 (see Fig. 1). The Application respectfully traverses the Examiner's judicial notice that side surface threaded holes are old and well know, and that it would have been obvious to add such holes to the dolly of claim 17. Therefore it is submitted that claims 17 and 21-23 are not rendered obvious by Briggs and Walker.

### **16. Rejection of Claim 18 Under §103**

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,209,891 (Herrmann). The Applicant respectfully traverses this rejection.

Claim 18 depends from claim 17. As stated in Part 6 above, claim 17, as amended, recites that the platform with wheels and a generally planar upper surface, a lower surface and eight planar side surfaces, where the upper and lower surfaces are octagonal in shape such that the plurality of side surfaces all have a same length. In contrast, Herrmann teaches a cart with



eight sides, but not of equal length, and does not teach or suggest a platform with an upper surface and eight side surfaces of equal length. Therefore, it is respectfully submitted claim 17, and thus claim 18 dependent thereon), are not rendered obvious by Herrmann. Moreover, Herrmann fails to teach or suggest a plurality of threaded lower surface holes each formed in the lower surface adjacent one of a plurality of octagonal corners of the lower surface, wherein the wheel assemblies are attached to the lower surface via the threaded lower surface holes, as recited in claim 18. Therefore, it is submitted claim 18 is allowable over Herrmann.

#### **17. Rejection of Claim 19 Under §103**

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,209,891 (Herrmann) in view of U.S. 5,752,543 (Groening). The Applicant respectfully traverses this rejection.

As stated above in Part 16, Herrmann fails to teach all the limitations of claim 17, from which claim 19 depends. Groening fails to cure the deficiencies of Herrmann with respect to claim 17. Moreover, it is unclear what hole in Groening that cross braces 122 extend across as alleged by the Examiner, as the circle shown in phantom in Fig. 1 appears to be the bottom of a cylinder, not a hole. Additionally, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 19 is not rendered obvious over Herrmann and Groening.

#### **18. Rejection of Claim 20 Under §103**

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,209,891 (Herrmann) in view of U.S. 5,752,543 (Groening) and U.S. 6,345,828 (Pool). The Applicant respectfully traverses this rejection.

As stated above in Parts 16 and 17, Herrmann and Groening fail to teach all the limitations of claims 17 and 19, from which claim 20 depends. Pool fails to cure the deficiencies of Herrmann and Groening with respect to claims 17 and 19. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 20 is not rendered obvious over Herrmann, Groening and Poole.

**19. Rejection of Claim 25 Under §103**

Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,698,771 (Bergeron) in view of U.S. 6,101,678 (Malloy). The Applicant respectfully traverses this rejection.

As stated above in Part 7, Bergeron fails to teach all the limitations of claim 17 as amended, from which claim 25 depends. Malloy fails to cure the deficiencies of Bergeron with respect to claim 17. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 25 is not rendered obvious over Bergeron and Malloy.

**20. Rejection of Claim 26 Under §103**

Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,698,771 (Bergeron) in view of U.S. 6,101,678 (Malloy) and U.S. 2,962,854 (Jepson). The Applicant respectfully traverses this rejection.

As stated above in Part 7, Bergeron fails to teach all the limitations of claim 17 as amended, from which claim 26 depends. Malloy and Jepson fail to cure the deficiencies of Bergeron with respect to claim 17. Moreover, it appears the Examiner is merely engaging in a

hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 26 is not rendered obvious over Bergeron, Malloy and Jepson.

#### **20. Rejection of Claim 30 Under §103**

Claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over any of U.S. 6,209,891 (Herrmann), U.S. 2,707,351 (Walker), U.S. 6,695,326 (Morrow) and U.S. 6,698,771 (Bergeron), in view of U.S. 6,371,496 (Balolia). The Applicant respectfully traverses this rejection.

As stated above in Parts 6 and 7, Herrmann, Walker, Morrow and Bergeron fail to teach all the limitations of claim 17 as amended, from which claim 30 depends. Balolia fails to cure the deficiencies of Herrmann, Walker, Morrow and Bergeron with respect to claim 17. Moreover, it appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 30 is not rendered obvious over Herrmann, Walker, Morrow, Bergeron and Balolia.

#### **21. Rejection of Claim 31 Under §103**

Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over any of U.S. 6,209,891 (Herrmann), U.S. 2,707,351 (Walker), U.S. 6,695,326 (Morrow) and U.S. 6,698,771 (Bergeron), in view of U.S. 5,136,751 (Coyne). The Applicant respectfully traverses this rejection.

As stated above in Parts 6 and 7, Herrmann, Walker, Morrow and Bergeron fail to teach all the limitations of claim 17 as amended, from which claim 30 depends. Coyne fails to cure the deficiencies of Herrmann, Walker, Morrow and Bergeron with respect to claim 17. Moreover, it

appears the Examiner is merely engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template, and selecting elements from references to fill the gaps, which In re Gordon made clear is impermissible. Therefore, it is respectfully submitted claim 31 is not rendered obvious over Herrmann, Walker, Morrow, Bergeron and Coyne.

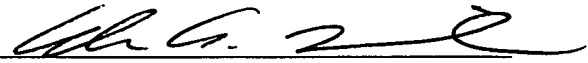
## **22. Allowable Claims**

The Applicant gratefully acknowledges the indication that claims 8, 12, 14 and 29 would be allowable if rewritten into independent form, including all the limitations of the base claim and any intervening claims. These claims have been so amended. It should be noted that claim 8 was amended to incorporate the limitations of claim 3 to provide proper antecedent basis for "the threaded mounting holes", and not intervening claim 6 as originally filed.

For the foregoing reasons, it is respectfully submitted that the claims are in an allowable form, and action to that end is respectfully requested.

Respectfully submitted,

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